

IN THE DISTRICT COURT OF THE UNITED STATES
 FOR THE DISTRICT OF SOUTH CAROLINA
 GREENVILLE DIVISION

UNITED STATES OF AMERICA) CR. NO. 6:24-380
)
 v.)
)
)
 CONSTANTINE G. MADECKAS) ELEMENTS

ESSENTIAL ELEMENTS OF VIOLATION OF 18 U.S.C. § 2252A(a)(5)(B)
and 2252A(b)(2)
(Possession of Child Pornography)

For the crime of Possessing Child Pornography in violation of Section 2252A(a)(5)(B), of Title 18, of the United States Code, the United States must prove the following essential elements beyond a reasonable doubt:

1. The Defendant knowingly possessed or accessed with intent to view material that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8); and
2. That such child pornography involved a prepubescent minor or a minor who had not attained 12 years of age;
3. That such child pornography
 - (a) has been mailed; and/or
 - (b) has been shipped or transported using any means or facility of interstate or foreign commerce; and/or
 - (c) has been shipped or transported in or affecting interstate or foreign commerce; and/or
 - (d) was producing using materials that have been mailed, shipped or transported in or affecting interstate or foreign commerce, including by computer; and
4. The Defendant knew that such items contained child pornography which involved a prepubescent minor or a minor who had not attained 12 years of age.

Count 1

MAXIMUM POSSIBLE PENALTY

1. Fine of \$250,000.00, and/or
2. Imprisonment for not more than 20 years, and
3. A term of Supervised Release of not less than 5 years to life, and
4. A Special Assessment of \$100.00

ESSENTIAL ELEMENTS OF VIOLATION OF 18 U.S.C. § 2252(a)(2)
(Receipt or Distribution of Child Pornography)

1. The Defendant knowingly received or distributed a visual depiction; and
2. Such visual depiction was shipped or transported in interstate or foreign commerce, or contains materials that had been mailed or shipped or transported in interstate or foreign commerce, by any means including computer; and
3. That the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct; and
4. Such visual depiction is of a minor engaged in sexually explicit conduct; and
5. The Defendant knew that at least one of the performers in such visual depiction was a minor and knew that the visual depiction was of such minor engaged in sexually explicit conduct.

Count 2

MAXIMUM POSSIBLE PENALTY

1. Fine of \$250,000.00, and/or
2. Imprisonment for not less than 5 years and not more than 20 years, and
3. A term of Supervised Release of not less than 5 years to life, and
4. A Special Assessment of \$100.00